

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

CHARLES DALE,)
)
 Plaintiff,)
)
 vs.) 1:12-cv-1672-TWP-TAB
)
 MITCHELL DANIELS, et al.,)
)
 Defendants.)

O R D E R

This civil rights action was dismissed on December 13, 2012, based on the court's determination that Dale's complaint failed to state a claim upon which relief could be granted. A post-judgment request for the appointment of counsel was denied.

The court has now considered the 1-page document filed on January 25, 2013, entitled "new additional evidence."

Relief sought in the most recent post-judgment filing [Dkt. 14] is **denied**. The focus of this document is that the plaintiff's sentence has been fully served. But if true, any effort to secure his release from custody can only be brought through an action for post-conviction relief. *Skinner v. Switzer*, 131 S. Ct. 1289, 1293 (2011) ("Habeas is the exclusive remedy . . . for the prisoner who seeks "immediate or speedier release" from confinement.")(quoting *Wilkinson v. Dotson*, 544 U.S. 74, 82 (2005)). As the renewed request that counsel be appointed, the request is denied for the reasons previously explained and because nothing in the newest filing permits the plaintiff to even proceed with this case.

The clerk shall **update the docket** to reflect Dale's address as it appears in the distribution portion of this Order.

IT IS SO ORDERED.

01/29/2013
Date: _____



Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Note to Clerk: Processing this document requires actions in addition to docketing and distribution.

Distribution:

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